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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,552	04/04/2001	Duane E. Tiemann	PRGY.0102270	5271

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EXAMINER

LIM, KRISNA

ART UNIT PAPER NUMBER

2153

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/826,552

Applicant(s)

TIEMANN ET AL.

Examiner

Krisna Lim

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Claims 1-64 are still pending for examination.

2. Claims 19-28 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 19, it is not understood how a set of information determines a portion. Moreover, it is unclear where the portion is transmitted to.

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-64 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hawes [U.S. Patent No. 6,061,715].

Hawes discloses (e.g., see Figs. 1-6, the abstract) the invention substantially as claimed. Taking claim 11 as an exemplary claim, the reference discloses a method comprising: a) separating a set of control information (web page) into a static portion (an image or a cacheable portion) and a dynamic portion ((e.g. see Fig. 4, col. 2 (lines 22-28) and col. 6); b) delivering the static portion (e.g. an image or graphic images, sounds, videos, video streams, form fields, or cacheable portion, etc.) and the dynamic portion (e.g. a non-cacheable portion or HTML portion, col. 1 (lines 40-47), col. 2, Fig. 4) to a remote system (client 110 of Figs. 1 and 2) in response to a first request for the set of control information (web page), wherein the static portion is cacheable on the remote system; and c) delivering the dynamic portion (HTML portions of the web page, a non-cacheable portion) of the remote system in response to a subsequent request (refreshing or reload request, col. 5, lines 9-57) for the set of control information,

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wherein the dynamic portion is to be used in conjunction with the static portion cached on the remote system to implement a set of instructions.

While Hawes discloses the feature of loading a web page (set of control information) onto a computer and the feature of separating this web page into two portions (e.g., see col. 2, lines 22-28) and other features of a user to determine whether or not a web page at web site has been updated (e.g., see col. 5, lines 37-45) and the feature of those two portions from the web site, Hawes does not explicitly mention that those two portions are separated at either a local server or a client computer. From the teaching of Hawes as mentioned above, one of ordinary skill in the art at the time the invention was made to recognize that these two portions of the web page would have been obvious separated at a local server (130) because the browser 180 of Fig. 1 retrieves those two portions from the web site 210. Thus, although Hawes does not explicitly mention as claimed language, it does not mean that Hawes does not teach that feature either.

5. As to claim 12, Hawes discloses that his web page is marked (tagged) with URL for identifying (locating or accessing) the static information (images, sounds, video streams, etc.), and wherein the static portion in combination with the dynamic portion forms a web page (references to other pages or locations may also be embedded in the web page) that may be displayed on a browser of a remote user computer (e.g., see col. 1 (lines 43-47), col. 5).
6. As to claim 13 Hawes discloses that his dynamic portion (e.g. a non-cacheable portion or HTML portion, col. 1 (lines 26-47), col. 2 (lines 43-47)) includes information (URL) to access the static portion the station portion (e.g. an image or graphic images, sounds, videos, video streams, form fields, etc.).
6. As to claim 14, Hawes discloses the static portion is stored separated from the dynamic portion (e.g., the static portion is cacheable and the dynamic portion non-cacheable).

7. As to claim 15, Hawes discloses the static portion and the dynamic portion are stored as different types (e.g., the static portion is cacheable type while the dynamic portion non-cacheable is non-cacheable type).

8. As to claim 16, Hawes discloses the static portion and the dynamic portion include a timestamp (e.g., see the abstract).

9. As to claim 17, Hawes discloses the dynamic portion includes information on an HTML language (e.g., see col. 1, lines 41-42); and the static information is stored in a format based on JavaScript language (e.g., see col. 1, lines 65-67).

10. Claims 19-64 are similar in scope as of claims 11-18 with the additional feature of receiving a request for the static information and transmit the static information, a processor and memory. Such features of receiving the request and transmit the static information (e.g., an images, sounds, video streams, etc.) is clearly taught by Hawes (e.g., see S1100 to S1900 of Fig. 4 and Fig. 6, cols. 1-6). Moreover, Hawes clearly discloses such processor (e.g., see 170 of Fig. 1) and a memory (e.g., see memory 172 of Fig. 1). Thus, claims 19-64 are rejected for the same reasons set forth above for claims 11-18.

11. Claims 1-10 are allowed.

12. Applicant's arguments with respect to claims 4/11/05 have been considered but are moot in view of the new ground(s) of rejection.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

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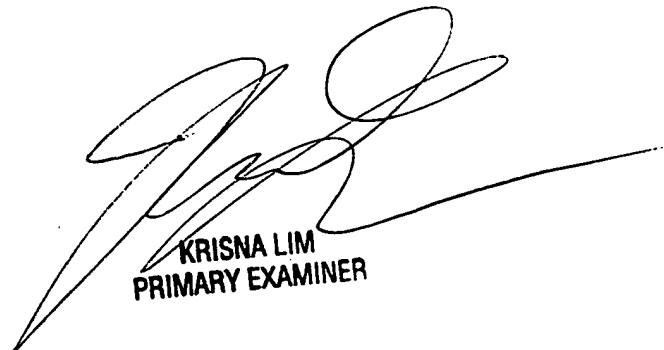
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

June 21, 2005



KRISNA LIM
PRIMARY EXAMINER